

REMARKS

Claims 7 and 10-12 have been amended in compliance with the Examiner's formal objection on the grounds of insufficient antecedent basis. Entry is requested, as the amendments do not relate to substantive matters.

All claims presently presented stand rejected either as anticipated by Ogawa et al. or as unpatentable over Ogawa et al. in view of Ebner and/or Vogel.

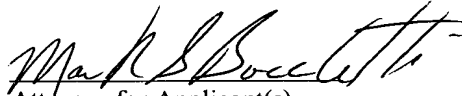
The Examiner points out that Claims 1 and 14 are entitled to the benefit of the April 4, 1997 filing date of the parent application. Applicants present their declaration of Prior Invention along with evidence showing completion of the invention prior to the effective date of the Ogawa et al. reference, coupled with diligence from a time just prior to the date of the reference continuously up to the date of filing of the parent application. Claims 2-13 depend directly or indirectly from Claim 1 and are allowable therewith.

Ideally, the declaration should have been submitted after the first Office Action. However, a reasonable, but unsuccessful search of the files of the Kodak Patent Legal Staff, did not at that time discover Documents 1-6 that comprise the evidence attached to the declaration were not found. Further, counsel for Kodak, Milton S. Sales, confused the effective date of Ogawa et al. and the filing date of the parent application, resulting in the belief that a declaration was not in order.

On June 24, 2005, Ms Gina Schmitt, Patent Legal Assistant to the undersigned attorney, found the documentary evidence. The documents were mingled with the application copy in a folder, where they had somehow been filed in error.

It is believed that applicants have demonstrated good and sufficient reasons why the declaration was not earlier presented. It is further believed that the declaration overcomes the rejection on the merits.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.